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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,679	08/29/2003	Rafael Rivera	84,530	7757

38092 7590 06/10/2005

OFFICE OF COUNSEL, CODE 004  
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EXAMINER

ADAMS, GREGORY W

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/650,679

Applicant(s)

RIVERA ET AL.

Examiner

Gregory W. Adams

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to lines 2 & 3, "wheeled conveyor means" and "roller track means" are in improper means-plus-function format. The proper format is to recite "means for" accomplishing a function or result. As it is unclear what function applicant is intending to accomplish, the claims must be corrected for clarity. For the purposes of this office action these means are not going to be read as means-plus-function limitations.

Referring to lines 2-3 it is unclear how a conveyor means provides three passage lanes, but discloses only one conveyor and two lanes for vehicles. Is the conveyor a passage lane accessible by two outside passage lanes via end crane units?

3. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Referring to line 2, is "said container spreader means" referring to the "spreader means" from claim 1, line 5, or is this an additional spreader means for each end crane unit?

### ***Claim Rejections - 35 USC § 102***

Art Unit: 3652

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Dobner et al. (US 6,698,990) (published on Nov. 30, 2000 as PCT WO00/71452).

6. With respect to claim 1, Dobner discloses an apparatus 1 comprising wheeled conveyor means 7 for three parallel spaced passage lanes 7, 14, 24, roller track means 17 extending through wheeled conveyor means 7 for supporting containers 10 along a passage lane 7, 14, 24, and spreader means.

7. With respect to claim 2, Dobner discloses a conveyor means 7, central crane unit 6 between opposite end crane units 13, 13, a container spreader mounted on opposite end crane units 13, 13.

8. With respect to claim 3, Dobner discloses opposite end crane units 13, 13 extend beyond a central crane unit 6 for two passage lanes 7, 14, 24.

9. With respect to claim 4, Dobner discloses an apparatus 1 comprising wheeled conveyor means 7, roller track means 17 extending through wheeled conveyor means 7, opposite crane units 13, 13 extend beyond a central crane unit 6 for two passage lanes 7, 14, 24.

10. With respect to claim 5, Dobner discloses an apparatus 1 including hopper guide means 15 mounted on central crane unit 6 for container vertical transfer.

***Claim Rejections - 35 USC § 103***

Art Unit: 3652

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 6-7 rejected under 35 U.S.C. 103(a) as being unpatentable over Dobner et al. (US 6,698,990). Although Dobner does not disclose a method to transfer containers, Dobner teaches structure required to transfer containers between passage lanes, conveyor means, vehicles and ships. Col. 1, Ins. 10-45. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Dobner to include a method of transferring containers, as per the teachings of Dobner, to transfer containers between transfer containers between passage lanes, conveyor means, vehicles and ships.

13. With respect to claim 6, Dobner discloses a method for transfer of containers comprising positioning a common track passage lane 24 establishing two parallel lanes 14, 24 on opposite sides of a common lane 7 laterally transferring containers between vehicles 25 transferring containers vertically from a common lane.

14. With respect to claim 7, Dobner discloses a method wherein containers 10 are carried on truck chassis' 25 and vertical transfer is by marine terminal crane 6.

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 4,172,685 for Nabeshima et al.

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US 4,293,077 for Makino

US 3,559,822 for Lichtenford et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th, 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA

  
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